

A SUBSTITUTE RESOLUTION BY

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF ONE HUNDRED THIRTEEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$113,500.00) PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, on March 12, 2003 the Georgia Environmental Protection Division (EPD) and the United States Environmental Protection Agency (EPA) made a written demand on the City for stipulated penalties concerning violations of the First Amended Consent Decree (1:98-CV-1956-TWT); and

WHEREAS, under the First Amended Consent Decree the City is subject to stipulated penalties for sanitary sewer overflows (SSOs) to waters and dry land (^{4th} Quarter 2002); and

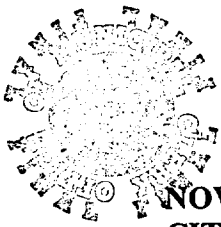
WHEREAS, the total amount assessed and demanded by EPD and EPA for these violations is One Hundred Thirteen Thousand Five Hundred and 00/100 (\$113,500.00) as set out in Exhibit "A" hereto; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact that these violations did occur; and

WHEREAS, the payment to EPD and EPA of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01-529017-Q31001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.



NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue checks in the amounts of Fifty Six Thousand Seven Hundred Fifty Dollars and 00/100 (\$56,750.00) payable to the **State of Georgia** and Fifty Six Thousand Seven Hundred Fifty Dollars (\$56,750.00) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the First Amended Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the Chief Financial Officer is authorized to pay interest due, if any, on the said stipulated penalties in accordance with the First Amended Consent Decree; and

Section Three: That the said payments be chargeable to Account Number 2J01 529017 Q31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

APR 21, 2003
APR 28, 2003

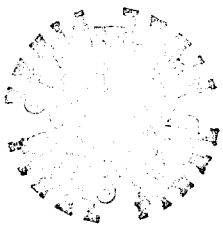


Exhibit A
Summary of Penalty Demand

First Amended Consent Decree Violations 4nd Quarter 2002	Amount
<ul style="list-style-type: none">• 134 unpermitted discharges to waters of the State	
<ul style="list-style-type: none">• 58 sewage overflows to dry land	
TOTAL DEMAND	\$113,500

RCS# 4616
4/21/03
2:23 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

CONSENT I

4/21/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda**Items Adversed on
the Consent Agenda**

1. 03-O-0186	36. 03-R-0451	72. 03-R-0498	
2. 03-O-0350	37. 03-R-0571	73. 03-R-0499	81. 03-R-0507
3. 03-O-0401	38. 03-R-0549	74. 03-R-0500	82. 03-R-0508
4. 03-O-0442	39. 03-R-0555	75. 03-R-0501	83. 03-R-0509
5. 03-O-0438	40. 03-R-0556	76. 03-R-0502	84. 03-R-0510
6. 03-O-0445	41. 03-R-0558	77. 03-R-0503	85. 03-R-0511
7. 03-O-0446	42. 03-R-0559	78. 03-R-0504	86. 03-R-0512
8. 03-O-0443	43. 03-R-0560	79. 03-R-0505	87. 03-R-0513
9. 03-O-0450	44. 03-R-0561	80. 03-R-0506	88. 03-R-0514
10. 03-O-0485	45. 03-R-0562		89. 03-R-0515
11. 03-O-0399	46. 03-R-0563		90. 03-R-0516
12. 03-O-0369	47. 03-R-0564		91. 03-R-0517
13. 03-O-0416	48. 03-R-0572		92. 03-R-0518
14. 03-O-0193	49. 03-R-0588		93. 03-R-0519
15. 03-O-0355	50. 03-R-0589		94. 03-R-0520
16. 03-O-0359	51. 03-R-0590		95. 03-R-0521
17. 03-O-0360	52. 03-R-0448		96. 03-R-0522
18. 03-O-0436	53. 03-R-0454		97. 03-R-0523
19. 02-O-1543	54. 03-R-0528		98. 03-R-0524
20. 03-O-0432	55. 03-R-0529		99. 03-R-0525
21. 03-O-0433	56. 03-R-0569		100. 03-R-0526
22. 03-O-0434	57. 03-R-0570		101. 03-R-0527
23. 03-R-0444	58. 03-R-0591		
24. 03-R-0530	59. 03-R-0592		
25. 03-R-0531	60. 03-R-0217		
26. 03-R-0532	61. 03-R-0539		
27. 03-R-0533	62. 03-R-0541		
28. 03-R-0534	63. 03-R-0542		
29. 03-R-0535	64. 03-R-0566		
30. 03-R-0536	65. 03-R-0593		
31. 03-R-0537	66. 03-R-0544		
32. 03-R-0538	67. 03-R-0545		
33. 03-R-0546	68. 03-R-0565		
34. 03-R-0577	69. 03-R-0496		
35. 03-R-0390	70. 03-R-0497		

Consent I Vote: 15Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391

03-R-0390
(Do Not Write Above This Line)

First Reading
Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

A RESOLUTION BY

COUNCILMEMBER CLAIR MULLER

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-JWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

ADOPTED BY

APR 21 2003

SUBSTITUTE
COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 3/3/03
Referred To: City Utilities
Date Referred
Referred To:
Date Referred
Referred To:

Committee 143
Date 8/13/2003
Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee 143
Date 8/13/2003
Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

CERTIFIED

CERTIFIED
APR 21 2003

John A. Moore
COUNCIL PRESIDENT PROTEM

CERTIFIED
APR 21 2003

Rickie D. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APR 28 2003
Mayor Frank